

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LAWRENCE)

IN CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Plaintiff,

vs.

LEGACY ENTERPRISES, INC.,

Defendant.

40CIV21-000170

**NOTICE OF DISMISSAL
PURSUANT TO
SDCL 15-6-41(a)(1)(A)**


COMES NOW the above-captioned Plaintiff, State of South Dakota, by and through the attorney of record, Cody Honeywell of May, Adam, Gerdes & Thompson LLP, Pierre, South Dakota, who makes and files this Notice of Dismissal of the above-captioned action and, in support thereof, states as follows:

1. SDCL § 15-6-41(a)(1)(A) authorizes the dismissal of an action by a plaintiff where adverse parties have not filed a responsive pleading.
2. Defendant has not filed a responsive pleading to date.
3. Accordingly, Plaintiff State of South Dakota dismisses the above-captioned action without prejudice and without the imposition of costs or terms upon any party.

Dated this 1st day of October, 2021.

MAY, ADAM, GERDES & THOMPSON LLP

BY:



BRETT KOENECKE
CODY L. HONEYWELL
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

Cody L. Honeywell of May, Adam, Gerdes & Thompson LLP hereby certifies that on this 1st day of October, 2021, he electronically filed and served via the Odyssey File & Serve system and served via United States mail, first-class postage thereon prepaid, a true and correct copy of the foregoing in the above-captioned action to the following at his last known address, to-wit:

Legacy Enterprises, Inc.
Attn: Jesse James Horstmann, Reg. Agt.
3525 E Colorado Blvd, Ste 3
Spearfish SD 57783

Jesse James Horstmann
20014 Ridgefield Loop
Spearfish SD 57783



CODY L. HONEYWELL